

House Study Bill 672 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to the regulation of snowmobiles, all-terrain
2 vehicles, and watercraft by the department of natural
3 resources, establishing fees, and making penalties
4 applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321G.1, Code 2011, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means
4 a snowmobile riding trail on any public land, private land,
5 or public ice that has been designated by the department,
6 a political subdivision, or a controlling authority for
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide
9 supervision of another person while maintaining visual and
10 verbal contact at all times.

11 NEW SUBSECTION. 11A. "*Nonresident*" means a person who is
12 not a resident of this state.

13 NEW SUBSECTION. 15A. "*Public ice*" means any frozen,
14 navigable waters within the territorial limits of this state
15 and the frozen marginal river areas adjacent to this state,
16 other than farm ponds, that are under the jurisdiction of the
17 commission.

18 NEW SUBSECTION. 16A. "*Public water*" means any navigable
19 waters within the territorial limits of this state and the
20 marginal river areas adjacent to this state, other than farm
21 ponds, that are under the jurisdiction of the commission.

22 NEW SUBSECTION. 17A. "*Resident*" means as defined in section
23 483A.1A.

24 Sec. 2. Section 321G.1, subsections 19 and 21, Code 2011,
25 are amended to read as follows:

26 19. ~~"Safety~~ "*Education certificate*" means a snowmobile
27 ~~safety~~ education certificate, approved by the commission, which
28 is issued to a qualified applicant who is twelve years of age
29 or older.

30 21. "*Special event*" means an organized race, exhibition, or
31 demonstration of limited duration which is conducted on public
32 land, or public ice, or a designated snowmobile trail under
33 the jurisdiction of the commission according to a prearranged
34 schedule and in which general public interest is manifested.

35 Sec. 3. Section 321G.1, Code 2011, is amended by adding the

1 following new subsection:

2 NEW SUBSECTION. 23. "*Water skipping*" means the operation
3 of a snowmobile on the surface of water by utilizing the skis,
4 track, and bottom surface area of the snowmobile for flotation
5 while the snowmobile is in motion.

6 Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, f,
7 and h, Code 2011, are amended to read as follows:

8 c. Use of snowmobiles on designated snowmobile trails and
9 public lands under the jurisdiction of the commission.

10 e. Establishment of a program of grants, subgrants,
11 and contracts to be administered by the department for the
12 development, maintenance, signing, and operation of designated
13 snowmobile trails and the operation of grooming equipment by
14 political subdivisions and incorporated private organizations.

15 f. Issuance of safety education certificates.

16 h. Issuance of annual user permits ~~for nonresidents~~ and
17 establishment of administrative fees for issuance of the
18 permits.

19 Sec. 5. Section 321G.2, subsection 1, Code 2011, is amended
20 by adding the following new paragraph:

21 NEW PARAGRAPH. 1. Maintenance, signing, and operation of
22 designated snowmobile trails.

23 Sec. 6. Section 321G.3, Code 2011, is amended to read as
24 follows:

25 **321G.3 Registration required — penalties.**

26 1. Each snowmobile used on public land ~~or~~, public ice, or a
27 designated snowmobile trail of this state shall be currently
28 registered. A person shall not operate, maintain, or give
29 permission for the operation or maintenance of a snowmobile
30 on public land ~~or~~, public ice, or a designated snowmobile
31 trail unless the snowmobile is registered in accordance with
32 this chapter or applicable federal laws or ~~the snowmobile~~
33 ~~displays a current annual user permit decal issued for the~~
34 ~~snowmobile as provided in section 321G.4A~~ in accordance with an
35 approved numbering system of another state and the evidence of

1 registration is in full force and effect. A snowmobile must
2 also be issued a user permit in accordance with this chapter.

3 ~~2. A registration certificate and registration decal shall~~
4 ~~be assigned, without payment of fee, to snowmobiles owned~~
5 ~~by the state of Iowa or its political subdivisions. The~~
6 ~~registration decal shall be displayed on the snowmobile as~~
7 ~~required under section 321G.5. A registration certificate~~
8 ~~shall be assigned, without payment of a registration fee, for~~
9 ~~a snowmobile which is exempt from registration but is being~~
10 ~~titled, upon payment of a writing fee as provided in section~~
11 ~~321G.27 and an administrative fee. A registration decal shall~~
12 ~~not be issued and the registration shall not expire while the~~
13 ~~snowmobile is exempt. The application for registration and~~
14 ~~the registration certificate shall indicate the reason for~~
15 ~~exemption from the registration fee.~~

16 ~~3.~~ 2. A violation of subsection 1 ~~or~~ 2 is punishable as
17 a scheduled violation under section 805.8B, subsection 2,
18 paragraph "a". When the scheduled fine is paid, the violator
19 shall submit proof to the department that a valid registration
20 ~~or and~~ user permit ~~has~~ have been obtained by providing a copy
21 of the registration ~~or and~~ user permit to the department within
22 thirty days of the date the fine is paid. A person who violates
23 this subsection is guilty of a simple misdemeanor.

24 Sec. 7. Section 321G.4, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. The owner of the snowmobile shall file an application for
27 registration with the department through a the county recorder
28 of the county of residence, or in the case of a nonresident
29 owner, in the county of primary use, in the manner established
30 by the commission. The application shall be completed by the
31 owner and shall be accompanied by a fee of fifteen dollars and
32 a writing fee as provided in section 321G.27. A snowmobile
33 shall not be registered by the county recorder until the
34 county recorder is presented with receipts, bills of sale,
35 or other satisfactory evidence that the sales or use tax has

1 been paid for the purchase of the snowmobile or that the
2 owner is exempt from paying the tax. A snowmobile that has
3 an expired registration certificate from another state may be
4 registered in this state upon proper application, payment of
5 all applicable registration and writing fees, and payment of a
6 penalty of five dollars.

7 Sec. 8. Section 321G.4A, subsection 1, Code 2011, is amended
8 to read as follows:

9 1. A ~~nonresident~~ person wishing to operate a ~~snowmobile,~~
10 ~~other than a snowmobile registered pursuant to this chapter,~~
11 snowmobile on public land, or public ice, or a designated
12 snowmobile trail of this state shall ~~first~~ obtain a user permit
13 from the department. A user permit shall be issued for the use
14 on only one snowmobile ~~specified at the time of application~~
15 and is not transferable. A user permit shall be valid for the
16 calendar year or time period specified in the permit.

17 Sec. 9. Section 321G.5, Code 2011, is amended to read as
18 follows:

19 **321G.5 Display of registration and user permit decals.**

20 The owner of a snowmobile shall display the registration
21 ~~decal or nonresident~~ and user permit decal on a the snowmobile
22 in the manner prescribed by the rules of the commission.

23 Sec. 10. Section 321G.6, subsection 3, Code 2011, is amended
24 to read as follows:

25 3. Duplicate registrations may be issued ~~upon application~~
26 ~~to the~~ by a county recorder and or a license agent upon the
27 payment of a five dollar fee plus a writing fee as provided in
28 section 321G.27.

29 Sec. 11. Section 321G.7, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A county recorder or license agent shall remit to the
32 commission the snowmobile fees collected by the recorder
33 or license agent in the manner and time prescribed by the
34 department.

35 Sec. 12. Section 321G.8, unnumbered paragraph 1, Code 2011,

1 is amended to read as follows:

2 Registration and user permits shall not be required for the
3 following described snowmobiles:

4 Sec. 13. Section 321G.8, subsection 1, Code 2011, is amended
5 to read as follows:

6 1. Snowmobiles owned ~~and used~~ by the United States, this
7 state, or another state, or by a political governmental
8 subdivision of another state thereof, and used for enforcement,
9 search and rescue, or official research and studies, but not
10 for recreational or commercial purposes.

11 Sec. 14. Section 321G.9, subsection 6, Code 2011, is amended
12 by striking the subsection.

13 Sec. 15. Section 321G.10, Code Supplement 2011, is amended
14 to read as follows:

15 **321G.10 Accident reports.**

16 If a snowmobile is involved in an accident resulting in
17 injury or death to anyone or property damage amounting to one
18 thousand five hundred dollars or more, either the operator
19 or someone acting for the operator shall immediately notify
20 the county sheriff or another law enforcement agency in the
21 state. If the accident occurred on public land, ~~or public~~
22 ice, or a designated snowmobile trail under the jurisdiction
23 of the commission, the operator shall file with the commission
24 a report of the accident, within seventy-two hours, containing
25 information as the commission may require. All other accidents
26 shall be reported as required under section 321.266.

27 Sec. 16. Section 321G.12, Code 2011, is amended to read as
28 follows:

29 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**
30 **brakes.**

31 Every snowmobile shall be equipped with at least one
32 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every
33 snowmobile shall be equipped with brakes.

34 Sec. 17. Section 321G.13, subsection 1, paragraph f, Code
35 2011, is amended to read as follows:

1 *f.* On any public land, public ice, or ~~snow~~ designated
2 snowmobile trail, in violation of official signs of the
3 commission prohibiting such operation in the interest of
4 safety for persons, property, or the environment. Any officer
5 appointed by the commission may post an official sign in an
6 emergency for the protection of persons, property, or the
7 environment.

8 Sec. 18. Section 321G.13, subsection 1, Code 2011, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. *i.* Upon the surface of any public water in a
11 maneuver known as water skipping. This paragraph "*i*" does not
12 apply to operation on rivers or streams between November 1 and
13 April 1.

14 Sec. 19. Section 321G.13, subsection 3, Code 2011, is
15 amended to read as follows:

16 3. A person shall not drive or operate a snowmobile
17 on public land or a designated snowmobile trail without a
18 measurable snow cover.

19 Sec. 20. Section 321G.17, Code 2011, is amended to read as
20 follows:

21 **321G.17 Violation of stop signal.**

22 A person, ~~after having~~ who has received a visual or audible
23 signal from a peace officer to come to a stop, shall not
24 operate a snowmobile in willful or wanton disregard of the
25 signal, ~~or~~ interfere with or endanger the officer or any other
26 person or vehicle, ~~or~~ increase speed, or attempt to flee or
27 elude the officer.

28 Sec. 21. Section 321G.20, Code 2011, is amended to read as
29 follows:

30 **321G.20 ~~Minors under twelve~~ Operation by minors.**

31 1. An owner or operator of a snowmobile shall not permit
32 a person under twelve years of age to operate and a person
33 less than twelve years of age shall not operate, a snowmobile
34 on a designated snowmobile trail, public land, or public ice
35 except when accompanied on the same snowmobile by a responsible

1 person of at least eighteen years of age who is experienced
2 in snowmobile operation and who possesses a valid driver's
3 license, as defined in section 321.1, or ~~a safety~~ an education
4 certificate issued under this chapter.

5 2. While operating a snowmobile on a designated snowmobile
6 trail, public land, or public ice, a person twelve through
7 fifteen years of age and possessing a valid education
8 certificate must be under the direct supervision of a parent,
9 guardian, or another adult authorized by the parent or
10 guardian, who is experienced in snowmobile operation and
11 possesses a valid driver's license, as defined in section
12 321.1, or an education certificate issued under this chapter.

13 3. A person under eighteen years of age but over the age of
14 fifteen shall not operate a snowmobile on or across a public
15 highway unless the person has in the person's possession an
16 education certificate issued to the person pursuant to this
17 chapter.

18 Sec. 22. Section 321G.21, subsections 1 through 5, Code
19 2011, are amended to read as follows:

20 1. A manufacturer, distributor, or dealer owning a
21 snowmobile required to be registered under this chapter
22 may operate the snowmobile for purposes of transporting,
23 testing, demonstrating, or selling it without the snowmobile
24 being registered, except that a special ~~identification~~
25 ~~number~~ registration decal issued to the owner as provided
26 in this chapter shall be displayed on the snowmobile in the
27 manner prescribed by rules of the commission. The special
28 ~~identification number~~ registration decal shall not be used
29 on a snowmobile offered for hire or for any work or service
30 performed by a manufacturer, distributor, or dealer.

31 2. Every manufacturer, distributor, or dealer shall
32 register with the department by making application to the
33 commission, upon forms prescribed by the commission, for
34 a special registration certificate ~~containing a general~~
35 ~~identification number and for one or more duplicate special~~

1 ~~registration certificates and decal.~~ The applicant shall pay
2 a registration fee of ~~fifteen~~ forty-five dollars and submit
3 reasonable proof of the applicant's status as a bona fide
4 manufacturer, distributor, or dealer as may be required by the
5 commission.

6 3. The commission, upon granting an application, shall
7 issue to the applicant a special registration certificate
8 ~~containing~~ and decal. The special registration certificate
9 shall contain the applicant's name, and address, ~~the and~~
10 general identification number; ~~assigned to the applicant,~~ the
11 word "manufacturer", "dealer", or "distributor"; and other
12 information the commission prescribes. ~~The manufacturer,~~
13 ~~distributor, or dealer shall have the assigned number printed~~
14 ~~upon or attached to a removable sign or signs which may be~~
15 ~~temporarily but firmly mounted or attached to the snowmobile~~
16 ~~being used. The display shall meet the requirements of this~~
17 ~~chapter and the rules of the commission.~~

18 4. The commission shall also issue duplicate special
19 registration certificates and decals which shall have displayed
20 thereon the general identification number assigned to the
21 applicant. ~~Each duplicate registration certificate so issued~~
22 ~~shall contain a number or symbol identifying it from every~~
23 ~~other duplicate special registration certificate bearing the~~
24 ~~same general identification number.~~ A county recorder may
25 issue duplicate special registration certificates and decals
26 electronically pursuant to rules adopted by the commission.
27 The fee for each additional duplicate special registration
28 certificate and decal shall be ~~two~~ five dollars, plus a writing
29 fee.

30 5. Each special registration certificate issued ~~hereunder~~
31 under this section shall be for a period of three years and
32 shall expire on December 31 of each the renewal year, ~~and~~
33 a. A new special registration certificate for the ensuing
34 ~~twelve months~~ three-year renewal period may be obtained upon
35 application to the commission and payment of the fee provided

1 by law. A county recorder may issue special registration
2 certificate renewals electronically pursuant to rules adopted
3 by the commission.

4 Sec. 23. Section 321G.23, Code 2011, is amended to read as
5 follows:

6 **321G.23 Course of instruction.**

7 1. The commission shall provide, by rules adopted pursuant
8 to section 321G.2, for the establishment of certified courses
9 of instruction to be conducted throughout the state for the
10 safe use and operation of snowmobiles. The curriculum shall
11 include instruction in the lawful and safe use, operation, and
12 equipping of snowmobiles consistent with this chapter and rules
13 adopted by the commission and the director of transportation
14 and other matters the commission deems pertinent for a
15 qualified snowmobile operator. The commission may establish
16 a fee for the course which shall not exceed the actual cost of
17 instruction minus moneys received by the department from ~~safety~~
18 education certificate fees under section 321G.24.

19 2. The commission may certify any experienced, qualified
20 operator to be an instructor of a class established under
21 subsection 1. Each instructor shall be at least eighteen years
22 of age.

23 3. Upon completion of the course of instruction, the
24 commission shall provide for the administration of a written
25 test to any student who wishes to qualify for ~~a safety~~ an
26 education certificate.

27 4. The commission shall provide ~~safety~~ education material
28 relating to the operation of snowmobiles for the use of
29 nonpublic or public elementary and secondary schools in this
30 state.

31 5. The department may develop requirements and standards
32 for online education offerings. Only vendors who have entered
33 into a memorandum of understanding with the department
34 shall be permitted to offer an online course that results
35 in the issuance of an education certificate approved by the

1 commission. Vendors may charge for their courses and collect
2 the education certificate fee required under section 321G.24,
3 subsection 2, on behalf of the department as agreed to in the
4 memorandum of understanding.

5 Sec. 24. Section 321G.24, Code 2011, is amended to read as
6 follows:

7 **321G.24 Safety Education certificate — fee.**

8 1. A person under eighteen years of age shall not
9 operate a snowmobile on public land, ~~or public ice,~~ a
10 designated snowmobile trail, or land purchased with snowmobile
11 registration funds in this state without obtaining a valid
12 safety education certificate ~~issued~~ approved by the department
13 and having the certificate in the person's possession,
14 unless the person is accompanied on the same snowmobile by
15 a responsible person of at least eighteen years of age who
16 is experienced in snowmobile operation and possesses a valid
17 driver's license, as defined in section 321.1, or ~~a safety an~~
18 education certificate issued under this chapter.

19 2. Upon ~~application~~ successful completion of the course
20 and payment of a fee of five dollars, a qualified applicant
21 shall be issued ~~a safety an~~ an education certificate which is
22 valid until the certificate is suspended or revoked by the
23 director for a violation of a provision of this chapter or a
24 rule adopted pursuant to this chapter. ~~The application shall~~
25 ~~be made on forms issued by the commission and shall contain~~
26 ~~information as the commission may reasonably require.~~

27 3. Any person who is required to have ~~a safety an~~ an education
28 certificate under this chapter and who has completed a course
29 of instruction established under section 321G.2, subsection
30 1, paragraph "j", including the successful passage of an
31 examination which includes a written test relating to such
32 course of instruction, shall be considered qualified to receive
33 ~~a safety an~~ an education certificate.

34 4. The ~~permit~~ certificate fees collected under this section
35 shall be credited to the special snowmobile fund created under

1 section 321G.7 and shall be used for safety and educational
2 programs.

3 5. A valid snowmobile safety or education certificate or
4 license issued ~~to a nonresident~~ by a governmental authority
5 of another state shall be considered a valid certificate or
6 license in this state if the ~~permit~~ certification or ~~license~~
7 licensing requirements of the governmental authority, ~~excluding~~
8 ~~fees~~, are substantially the same as the requirements of this
9 chapter as determined by the commission.

10 Sec. 25. Section 321G.25, Code 2011, is amended to read as
11 follows:

12 **321G.25 Stopping and inspecting — warnings.**

13 A peace officer may stop and inspect a snowmobile operated,
14 parked, or stored on public streets, highways, public lands,
15 ~~or frozen waters~~ public ice, or designated snowmobile trails
16 of the state to determine if the snowmobile is registered,
17 numbered, or equipped as required by this chapter and
18 commission rules. The officer shall not inspect an area that
19 is not essential to determine compliance with the requirements.
20 If the officer determines that the snowmobile is not in
21 compliance, the officer may issue a warning memorandum to the
22 operator and forward a copy to the commission. The warning
23 memorandum shall indicate the items found not in compliance and
24 shall direct the owner or operator of the snowmobile to have
25 the snowmobile in compliance and return a copy of the warning
26 memorandum with the proof of compliance to the commission
27 within fourteen days. If the proof of compliance is not
28 provided within fourteen days, the owner or operator is in
29 violation of this chapter.

30 Sec. 26. Section 321G.26, Code 2011, is amended to read as
31 follows:

32 **321G.26 Termination of use.**

33 A person who receives a warning memorandum for a snowmobile
34 shall stop using the snowmobile as soon as possible and shall
35 not operate it on public streets, highways, public lands, ~~or~~

1 ~~frozen waters~~ public ice, or designated snowmobile trails of
2 the state until the snowmobile is in compliance.

3 Sec. 27. Section 321G.27, subsection 1, Code 2011, is
4 amended by adding the following new paragraph:

5 NEW PARAGRAPH. *0c.* The county recorder shall collect
6 a writing fee of one dollar and twenty-five cents for each
7 duplicate special registration certificate issued by the county
8 recorder's office.

9 Sec. 28. Section 321G.29, subsection 8, Code Supplement
10 2011, is amended to read as follows:

11 8. Once titled, a person shall not sell or transfer
12 ownership of a snowmobile without delivering to the purchaser
13 or transferee a certificate of title with an assignment on it
14 showing title in the ~~purchaser or transferee~~ purchaser's or
15 transferee's name. A person shall not purchase or otherwise
16 acquire a snowmobile without obtaining a certificate of title
17 for it in that person's name.

18 Sec. 29. Section 321G.31, subsection 1, Code 2011, is
19 amended to read as follows:

20 1. If ownership of a snowmobile is transferred by
21 operation of law, such as by inheritance, order in bankruptcy,
22 insolvency, replevin, or execution sale, the transferee, within
23 thirty days after acquiring the right to possession of the
24 snowmobile, shall mail or deliver to the county recorder of
25 the transferee's county of residence satisfactory proof of
26 ownership as the county recorder requires, together with an
27 application for a new certificate of title, and the required
28 fee.

29 Sec. 30. Section 321G.33, subsections 1 and 3, Code 2011,
30 are amended to read as follows:

31 1. The department may assign a distinguishing number to
32 a snowmobile when the serial number on the snowmobile is
33 destroyed or obliterated and issue to the owner a special
34 plate decal bearing the distinguishing number which shall be
35 affixed to the snowmobile in a position to be determined by

1 the department. The snowmobile shall be registered and titled
2 under the distinguishing number in lieu of the former serial
3 number. Every snowmobile shall have a vehicle identification
4 number assigned and affixed as required by the department.

5 3. A person shall not destroy, remove, alter, cover, or
6 deface the manufacturer's vehicle identification number, the
7 plate or decal bearing it, or any vehicle identification number
8 the department assigns to a snowmobile without the department's
9 permission.

10 Sec. 31. Section 321I.1, subsection 1, paragraph b, Code
11 2011, is amended to read as follows:

12 b. Off-road motorcycles shall be considered all-terrain
13 vehicles for the purpose of registration. Off-road motorcycles
14 shall also be considered all-terrain vehicles for the purpose
15 of titling if a title has not previously been issued pursuant
16 to chapter 321. An operator of an off-road motorcycle is
17 subject to provisions governing the operation of all-terrain
18 vehicles in this chapter, but is exempt from the ~~safety~~
19 education instruction and certification program requirements of
20 sections 321I.25 and 321I.26.

21 Sec. 32. Section 321I.1, subsections 6, 7, and 16, Code
22 2011, are amended to read as follows:

23 6. "*Designated riding area*" means an all-terrain vehicle
24 riding area on any public land or public ice under the
25 jurisdiction of the department that has been designated by the
26 department for all-terrain vehicle use.

27 7. "*Designated riding trail*" means an all-terrain vehicle
28 riding trail on any public land, private land, or public
29 ~~ice under the jurisdiction of the department~~ that has been
30 designated by the department, a political subdivision, or a
31 controlling authority for all-terrain vehicle use.

32 16. a. "*Off-road utility vehicle*" means a motorized
33 flotation-tire or rubber-tracked vehicle with not less than
34 four and not more than eight low-pressure tires or rubberized
35 tracks that is limited in engine displacement to less than one

1 thousand five hundred cubic centimeters and in total dry weight
2 to not more than one thousand eight hundred pounds and that
3 has a seat that is of bucket or bench design, not intended to
4 be straddled by the operator, and a steering wheel or control
5 levers for control.

6 ~~b. An owner of an off-road utility vehicle may register~~
7 ~~or title an off-road utility vehicle in order to legally~~
8 ~~operate the off-road vehicle on public ice, a designated~~
9 ~~riding area, or a designated riding trail.~~ The operator of an
10 off-road utility vehicle is subject to provisions governing
11 the operation of all-terrain vehicles in section 321.234A, and
12 this chapter, and administrative rules, but is exempt from
13 the safety education instruction and certification program
14 requirements of sections 321I.25 and 321I.26. An operator of
15 an off-road utility vehicle shall not operate the vehicle on a
16 designated riding area or designated riding trail unless the
17 department has posted signage indicating the riding area or
18 trail is open to the operation of off-road utility vehicles.
19 Off-road utility vehicles are ~~exempt from~~ subject to the dealer
20 registration and titling requirements of this chapter. A
21 motorized vehicle that was previously titled or is currently
22 titled under chapter 321 shall not be registered or operated
23 as an off-road utility vehicle.

24 Sec. 33. Section 321I.1, Code 2011, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 20A. "*Public ice*" means any frozen,
27 navigable waters within the territorial limits of this state
28 and the frozen marginal river areas adjacent to this state,
29 other than farm ponds, that are under the jurisdiction of the
30 commission.

31 Sec. 34. Section 321I.1, subsections 23, 25, and 27, Code
32 2011, are amended to read as follows:

33 23. "*Resident*" means ~~a person who meets the requirements~~
34 ~~for residency described in section 321.1A~~ as defined in section
35 483A.1A.

1 25. "~~Safety~~ Education certificate" means an all-terrain
2 vehicle ~~safety~~ education certificate, approved by the
3 commission, which is issued to a qualified applicant who is
4 twelve years of age or older.

5 27. "*Special event*" means an organized race, exhibition,
6 or demonstration of limited duration which is conducted on
7 public land, ~~or public ice~~, or a designated riding trail under
8 the jurisdiction of the commission according to a prearranged
9 schedule and in which general public interest is manifested.

10 Sec. 35. Section 321I.2, subsection 1, paragraph f, Code
11 2011, is amended to read as follows:

12 f. Issuance of ~~safety~~ education certificates.

13 Sec. 36. Section 321I.3, Code 2011, is amended to read as
14 follows:

15 **321I.3 Registration required — penalties.**

16 1. Each all-terrain vehicle used on public land, ~~or public~~
17 ~~ice~~, or a designated riding trail of this state shall be
18 currently registered. A person shall not operate, maintain,
19 or give permission for the operation or maintenance of an
20 all-terrain vehicle on public land, ~~or public ice~~, or a
21 designated riding trail unless the all-terrain vehicle is
22 registered in accordance with this chapter or applicable
23 federal laws or ~~the all-terrain vehicle displays a current~~
24 ~~annual user permit decal issued for the all-terrain vehicle~~
25 ~~as provided in section 321I.5~~ in accordance with an approved
26 numbering system of another state and the evidence of
27 registration is in full force and effect. An all-terrain
28 vehicle registered in another state must also be issued a user
29 permit in this state in accordance with this chapter.

30 ~~2. A registration certificate and registration decal~~
31 ~~shall be assigned, without payment of fee, to all-terrain~~
32 ~~vehicles owned by the state of Iowa or its political~~
33 ~~subdivisions. The registration decal shall be displayed on~~
34 ~~the all-terrain vehicle as required under section 321I.6. A~~
35 ~~registration certificate shall be assigned, without payment~~

1 ~~of a registration fee, for an all-terrain vehicle which is~~
2 ~~exempt from registration but is being titled, upon payment~~
3 ~~of a writing fee as provided in section 321I.29 and an~~
4 ~~administrative fee. A registration decal shall not be issued~~
5 ~~and the registration shall not expire while the all-terrain~~
6 ~~vehicle is exempt. The application for registration and~~
7 ~~the registration certificate shall indicate the reason for~~
8 ~~exemption from the registration fee.~~

9 3. 2. A violation of subsection 1 ~~or~~ 2 is punishable as
10 a scheduled violation under section 805.8B, subsection 2A,
11 paragraph "a". When the scheduled fine is paid, the violator
12 shall submit proof to the department that a valid registration
13 or user permit has been obtained by providing a copy of the
14 registration or user permit to the department within thirty
15 days of the date the fine is paid. A person who violates this
16 subsection is guilty of a simple misdemeanor.

17 Sec. 37. Section 321I.4, subsection 2, Code 2011, is amended
18 to read as follows:

19 2. The owner of the all-terrain vehicle shall file an
20 application for registration with the department through a the
21 county recorder of the county of residence, or in the case
22 of a nonresident owner, in the county of primary use, in the
23 manner established by the commission. The application shall
24 be completed by the owner and shall be accompanied by a fee
25 of fifteen dollars and a writing fee as provided in section
26 321I.29. An all-terrain vehicle shall not be registered by the
27 county recorder until the county recorder is presented with
28 receipts, bills of sale, or other satisfactory evidence that
29 the sales or use tax has been paid for the purchase of the
30 all-terrain vehicle or that the owner is exempt from paying the
31 tax. An all-terrain vehicle that has an expired registration
32 certificate from another state may be registered in this state
33 upon proper application, payment of all applicable registration
34 and writing fees, and payment of a penalty of five dollars.

35 Sec. 38. Section 321I.5, subsection 1, Code 2011, is amended

1 to read as follows:

2 1. A nonresident wishing to operate an all-terrain vehicle,
3 other than an all-terrain vehicle ~~owned by a resident and~~
4 registered pursuant to this chapter, on public land, or public
5 ice, or a designated riding trail of this state shall first
6 obtain a user permit from the department. A user permit shall
7 be issued for ~~the use on only one~~ all-terrain vehicle ~~specified~~
8 ~~at the time of application~~ and is not transferable. A user
9 permit shall be valid for the calendar year or time period
10 specified in the permit.

11 Sec. 39. Section 321I.7, subsections 3 and 4, Code 2011, are
12 amended to read as follows:

13 3. Duplicate registrations may be issued ~~upon application~~
14 ~~to the~~ by a county recorder or a license agent and the payment
15 of a five dollar fee plus a writing fee as provided in section
16 321I.29.

17 4. A motorcycle, as defined in section 321.1, subsection
18 40, paragraph "a", may be registered as an all-terrain vehicle
19 as provided in this section. A motorcycle registered as an
20 all-terrain vehicle may participate in all programs established
21 for all-terrain vehicles under this chapter except for the
22 ~~safety~~ education instruction and certification program.

23 Sec. 40. Section 321I.8, Code 2011, is amended to read as
24 follows:

25 **321I.8 Fees remitted to commission — appropriation.**

26 1. A county recorder or license agent shall remit to the
27 commission the all-terrain vehicle fees collected by the
28 recorder or license agent in the manner and time prescribed by
29 the department.

30 2. The department shall remit the fees, including user
31 fees collected pursuant to section 321I.5, to the treasurer
32 of state, who shall place the money in a special all-terrain
33 vehicle fund. The money is appropriated to the department for
34 the all-terrain vehicle programs of the state. The programs
35 shall include grants, subgrants, contracts, or cost-sharing

1 of all-terrain vehicle programs with political subdivisions
2 or incorporated private organizations or both in accordance
3 with rules adopted by the commission. All-terrain vehicle fees
4 may be used for the establishment, maintenance, and operation
5 of all-terrain vehicle recreational riding areas through the
6 awarding of grants administered by the department. All-terrain
7 vehicle recreational riding areas established, maintained, or
8 operated by the use of such grants shall not be operated for
9 profit. All programs using cost-sharing, grants, subgrants, or
10 contracts shall establish and implement ~~a safety~~ an education
11 instruction program either singly or in cooperation with other
12 all-terrain vehicle programs. All-terrain vehicle fees may
13 be used to support all-terrain vehicle programs on a usage
14 basis. At least fifty percent of the special fund shall be
15 available for political subdivisions or incorporated private
16 organizations or both. Moneys from the special fund not
17 used by the political subdivisions or incorporated private
18 organizations or both shall remain in the fund and may be used
19 by the department for the administration of the all-terrain
20 vehicle programs. Notwithstanding section 8.33, moneys in the
21 special fund shall not revert to the general fund of the state
22 at the end of a fiscal year. Notwithstanding section 12C.7,
23 subsection 2, interest or earnings on moneys in the special
24 fund shall remain in the fund.

25 Sec. 41. Section 321I.9, subsection 1, Code 2011, is amended
26 to read as follows:

27 1. All-terrain vehicles owned ~~and used~~ by the United States,
28 this state, or another state, or by a political governmental
29 subdivision of another state thereof, and used for enforcement,
30 search and rescue, or official research and studies, but not
31 for recreational or commercial purposes.

32 Sec. 42. Section 321I.11, Code Supplement 2011, is amended
33 to read as follows:

34 **321I.11 Accident reports.**

35 If an all-terrain vehicle is involved in an accident

1 resulting in injury or death to anyone or property damage
2 amounting to one thousand five hundred dollars or more,
3 either the operator or someone acting for the operator
4 shall immediately notify the county sheriff or another law
5 enforcement agency in the state. If the accident occurred
6 on public land, ~~or public ice,~~ or a designated riding trail
7 under the jurisdiction of the commission, the operator shall
8 file with the commission a report of the accident, within
9 seventy-two hours, containing information as the commission may
10 require. All other accidents shall be reported as required
11 under section 321I.266.

12 Sec. 43. Section 321I.13, Code 2011, is amended to read as
13 follows:

14 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**
15 **brakes.**

16 Every all-terrain vehicle operated during the hours of
17 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~
18 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped
19 with brakes.

20 Sec. 44. Section 321I.14, subsection 1, paragraph f, Code
21 2011, is amended to read as follows:

22 *f.* On any public land, public ice, or ~~snow~~ designated
23 riding trail, in violation of official signs of the commission
24 prohibiting such operation in the interest of safety for
25 persons, property, or the environment. Any officer appointed
26 by the commission may post an official sign in an emergency for
27 the protection of persons, property, or the environment.

28 Sec. 45. Section 321I.17, Code 2011, is amended to read as
29 follows:

30 **321I.17 Special events.**

31 The department may authorize the holding of organized
32 special events as defined in this chapter within this state.
33 The department shall adopt rules relating to the conduct of
34 special events held under department permits and designating
35 the equipment and facilities necessary for the safe operation

1 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road
 2 utility vehicles and for the safety of operators, participants,
 3 and observers in the special events. A special event ~~for~~
 4 ~~all-terrain vehicles~~ may ~~include motorcycles upon payment~~
 5 ~~of~~ require an entrance fee set by the organizer of the
 6 special event. The department may require that part of the
 7 ~~motorcycle~~ entrance fee be credited to pay costs of all-terrain
 8 vehicle programs authorized pursuant to section 321I.8. At
 9 least thirty days before the scheduled date of a special
 10 event in this state, an application shall be filed with the
 11 department for authorization to conduct the special event. The
 12 application shall set forth the date, time, and location of the
 13 proposed special event and any other information the department
 14 requires. The special event shall not be conducted without
 15 written authorization of the department. ~~Copies of the rules~~
 16 ~~shall be furnished by the department to any person making an~~
 17 ~~application.~~

18 Sec. 46. Section 321I.18, Code 2011, is amended to read as
 19 follows:

20 **321I.18 Violation of stop signal.**

21 A person, ~~after having~~ who has received a visual or audible
 22 signal from a peace officer to come to a stop, shall not
 23 operate an all-terrain vehicle in willful or wanton disregard
 24 of the signal, ~~or~~ interfere with or endanger the officer or any
 25 other person or vehicle, ~~or~~ increase speed, or attempt to flee
 26 or elude the officer.

27 Sec. 47. Section 321I.21, unnumbered paragraph 1, Code
 28 2011, is amended to read as follows:

29 A person under twelve years of age shall not operate an
 30 all-terrain vehicle, including an off-road motorcycle, on a
 31 designated riding area or designated riding trail or on public
 32 land or public ice unless one of the following applies:

33 Sec. 48. Section 321I.21, subsection 1, Code 2011, is
 34 amended to read as follows:

35 1. The person is taking a prescribed safety education

1 training course and the operation is under the direct
2 supervision of a certified all-terrain vehicle ~~safety~~ education
3 instructor.

4 Sec. 49. Section 321I.22, subsections 1 through 5, Code
5 2011, are amended to read as follows:

6 1. A manufacturer, distributor, or dealer owning an
7 all-terrain vehicle required to be registered under this
8 chapter may operate the all-terrain vehicle for purposes of
9 transporting, testing, demonstrating, or selling it without the
10 all-terrain vehicle being registered, except that a special
11 ~~identification number~~ registration decal issued to the owner as
12 provided in this chapter shall be displayed on the all-terrain
13 vehicle in the manner prescribed by rules of the commission.
14 The special ~~identification number~~ registration decal shall not
15 be used on an all-terrain vehicle offered for hire or for any
16 work or service performed by a manufacturer, distributor, or
17 dealer.

18 2. Every manufacturer, distributor, or dealer shall
19 register with the department by making application to the
20 commission, upon forms prescribed by the commission, for
21 a special registration certificate ~~containing a general~~
22 ~~identification number and for one or more duplicate special~~
23 ~~registration certificates and decal.~~ The applicant shall pay
24 a registration fee of ~~fifteen~~ forty-five dollars and submit
25 reasonable proof of the applicant's status as a bona fide
26 manufacturer, distributor, or dealer as may be required by the
27 commission.

28 3. The commission, upon granting an application, shall
29 issue to the applicant a special registration certificate
30 ~~containing~~ and decal. The special registration certificate
31 shall contain the applicant's name, and address, ~~the and~~
32 general identification number; ~~assigned to the applicant,~~ the
33 word "manufacturer", "dealer", or "distributor"; and other
34 information the commission prescribes. ~~The manufacturer,~~
35 ~~distributor, or dealer shall have the assigned number printed~~

1 ~~upon or attached to a removable sign or signs which may be~~
2 ~~temporarily but firmly mounted or attached to the all-terrain~~
3 ~~vehicle being used. The display shall meet the requirements of~~
4 ~~this chapter and the rules of the commission.~~

5 4. The commission shall also issue duplicate special
6 registration certificates and decals which shall have displayed
7 thereon the general identification number assigned to the
8 applicant. ~~Each duplicate registration certificate so issued~~
9 ~~shall contain a number or symbol identifying it from every~~
10 ~~other duplicate special registration certificate bearing the~~
11 ~~same general identification number. A county recorder may~~
12 issue duplicate special registration certificates and decals
13 electronically pursuant to rules adopted by the commission.
14 The fee for each additional duplicate special registration
15 certificate and decal shall be ~~two~~ five dollars plus a writing
16 fee.

17 5. Each special registration certificate issued ~~hereunder~~
18 under this section shall be for a period of three years and
19 shall expire on December 31 of each the renewal year, and
20 a. A new special registration certificate for the ensuing
21 twelve months three-year renewal period may be obtained upon
22 application to the commission and payment of the fee provided
23 by law. A county recorder may issue special registration
24 certificate renewals electronically pursuant to rules adopted
25 by the commission.

26 Sec. 50. Section 321I.25, Code 2011, is amended to read as
27 follows:

28 **321I.25 Course of instruction.**

29 1. The commission shall provide, by rules adopted pursuant
30 to section 321I.2, for the establishment of certified courses
31 of instruction to be conducted throughout the state for the
32 safe use and operation of all-terrain vehicles. The curriculum
33 shall include instruction in the lawful and safe use,
34 operation, and equipping of all-terrain vehicles consistent
35 with this chapter and rules adopted by the commission ~~and the~~

1 ~~director of transportation and other matters the commission~~
2 ~~deems pertinent for a qualified all-terrain vehicle operator.~~

3 The commission may establish a fee for the course which shall
4 not exceed the actual cost of instruction minus moneys received
5 by the department from safety education certificate fees under
6 section 321I.26.

7 2. The commission may certify any experienced, qualified
8 operator to be an instructor of a class established under
9 subsection 1. Each instructor shall be at least eighteen years
10 of age.

11 3. Upon completion of the course of instruction, the
12 commission shall provide for the administration of either a
13 written test or the demonstration of adequate riding skills to
14 any student who wishes to qualify for a safety an education
15 certificate.

16 4. The commission shall provide safety education material
17 relating to the operation of all-terrain vehicles for the use
18 of nonpublic or public elementary and secondary schools in this
19 state.

20 5. The department may develop requirements and standards
21 for online education offerings. Only vendors who have entered
22 into a memorandum of understanding with the department
23 shall be permitted to offer an online course that results
24 in the issuance of an education certificate approved by the
25 commission. Vendors may charge for their courses and collect
26 the education certificate fee required under section 321I.26,
27 subsection 2, on behalf of the department as agreed to in the
28 memorandum of understanding.

29 Sec. 51. Section 321I.26, Code 2011, is amended to read as
30 follows:

31 **321I.26 Safety Education certificate — fee.**

32 1. A person twelve years of age or older but less than
33 eighteen years of age shall not operate an all-terrain vehicle
34 on public land, or public ice, a designated riding trail, or
35 land purchased with all-terrain vehicle registration funds

1 in this state without obtaining a valid ~~safety~~ education
2 certificate ~~issued~~ approved by the department and having the
3 certificate in the person's possession.

4 2. Upon ~~application~~ successful completion of the course
5 and payment of a fee of five dollars, a qualified applicant
6 shall be issued a ~~safety~~ an education certificate which is
7 valid until the certificate is suspended or revoked by the
8 director for a violation of a provision of this chapter or a
9 rule adopted pursuant to this chapter. ~~The application shall~~
10 ~~be made on forms issued by the commission and shall contain~~
11 ~~information as the commission may reasonably require.~~

12 3. Any person who is required to have a ~~safety~~ an education
13 certificate under this chapter and who has completed a course
14 of instruction established under section 321I.2, subsection
15 1, paragraph "i", including the successful passage of an
16 examination which includes either a written test relating to
17 such course of instruction or the demonstration of adequate
18 riding skills, shall be considered qualified to receive a
19 ~~safety~~ an education certificate.

20 4. The ~~permit~~ certificate fees collected under this section
21 shall be credited to the special all-terrain vehicle fund and
22 shall be used for ~~safety and~~ educational programs.

23 5. A valid all-terrain vehicle ~~safety or~~ education
24 certificate or license issued ~~to a nonresident~~ by a
25 governmental authority of another state shall be considered
26 a valid certificate or license in this state if the ~~permit~~
27 certification or license licensing requirements of the
28 governmental authority, ~~excluding fees~~, are substantially the
29 same as the requirements of this chapter as determined by the
30 commission.

31 Sec. 52. Section 321I.27, Code 2011, is amended to read as
32 follows:

33 **321I.27 Stopping and inspecting — warnings.**

34 A peace officer may stop and inspect an all-terrain vehicle
35 operated, parked, or stored on public streets, highways,

1 public lands, ~~or frozen waters~~ public ice, or designated
2 riding trails of the state to determine if the all-terrain
3 vehicle is registered, numbered, or equipped as required by
4 this chapter and commission rules. The officer shall not
5 inspect an area that is not essential to determine compliance
6 with the requirements. If the officer determines that the
7 all-terrain vehicle is not in compliance, the officer may issue
8 a warning memorandum to the operator and forward a copy to the
9 commission. The warning memorandum shall indicate the items
10 found not in compliance and shall direct the owner or operator
11 of the all-terrain vehicle to have the all-terrain vehicle in
12 compliance and return a copy of the warning memorandum with the
13 proof of compliance to the commission within fourteen days. If
14 the proof of compliance is not provided within fourteen days,
15 the owner or operator is in violation of this chapter.

16 Sec. 53. Section 321I.28, Code 2011, is amended to read as
17 follows:

18 **321I.28 Termination of use.**

19 A person who receives a warning memorandum for an
20 all-terrain vehicle shall stop using the all-terrain vehicle as
21 soon as possible and shall not operate it on public streets,
22 highways, public lands, ~~or frozen waters~~ public ice, or
23 designated riding trails of the state until the all-terrain
24 vehicle is in compliance.

25 Sec. 54. Section 321I.29, subsection 1, Code 2011, is
26 amended by adding the following new paragraph:

27 NEW PARAGRAPH. *0c.* The county recorder shall collect
28 a writing fee of one dollar and twenty-five cents for each
29 duplicate special registration certificate issued by the county
30 recorder's office.

31 Sec. 55. Section 321I.31, subsection 8, Code 2011, is
32 amended to read as follows:

33 8. Once titled, a person shall not sell or transfer
34 ownership of an all-terrain vehicle without delivering to
35 the purchaser or transferee a certificate of title with an

1 assignment on it showing title in the ~~purchaser or transferee~~
2 purchaser's or transferee's name. A person shall not purchase
3 or otherwise acquire an all-terrain vehicle without obtaining a
4 certificate of title for it in that person's name.

5 Sec. 56. Section 321I.33, subsection 1, Code 2011, is
6 amended to read as follows:

7 1. If ownership of an all-terrain vehicle is transferred by
8 operation of law, such as by inheritance, order in bankruptcy,
9 insolvency, replevin, or execution sale, the transferee,
10 within thirty days after acquiring the right to possession of
11 the all-terrain vehicle, shall mail or deliver to the county
12 recorder of the transferee's county of residence satisfactory
13 proof of ownership as the county recorder requires, together
14 with an application for a new certificate of title, and the
15 required fee.

16 Sec. 57. Section 321I.35, subsections 1 and 3, Code 2011,
17 are amended to read as follows:

18 1. The department may assign a distinguishing number to an
19 all-terrain vehicle when the serial number on the all-terrain
20 vehicle is destroyed or obliterated and issue to the owner a
21 special ~~plate~~ decal bearing the distinguishing number which
22 shall be affixed to the all-terrain vehicle in a position to be
23 determined by the department. The all-terrain vehicle shall be
24 registered and titled under the distinguishing number in lieu
25 of the former serial number. Every all-terrain vehicle shall
26 have a vehicle identification number assigned and affixed as
27 required by the department.

28 3. A person shall not destroy, remove, alter, cover, or
29 deface the manufacturer's vehicle identification number, the
30 plate or decal bearing it, or any vehicle identification number
31 the department assigns to an all-terrain vehicle without the
32 department's permission.

33 Sec. 58. Section 461C.2, subsection 5, Code 2011, is amended
34 to read as follows:

35 5. "*Recreational purpose*" means the following or any

1 combination thereof: Hunting, trapping, horseback riding,
2 fishing, swimming, boating, camping, picnicking, hiking,
3 pleasure driving, motorcycling, all-terrain vehicle riding,
4 nature study, water skiing, snowmobiling, other summer
5 and winter sports, and viewing or enjoying historical,
6 archaeological, scenic, or scientific sites while going to and
7 from or actually engaged therein.

8 Sec. 59. Section 462A.2, Code Supplement 2011, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 43A. "*Watercraft education certificate*"
11 means a certificate, approved by the commission, which is
12 issued to a qualified applicant who is twelve years of age or
13 older who has successfully completed a watercraft education
14 course approved by the department.

15 Sec. 60. Section 462A.12, subsection 6, Code 2011, is
16 amended to read as follows:

17 6. An owner or operator of a vessel propelled by a motor
18 of more than ten horsepower shall not permit any person under
19 twelve years of age to operate the vessel unless accompanied
20 in or on the same vessel by a responsible person of at
21 least eighteen years of age who is experienced in motorboat
22 operation. A person who is twelve years of age or older
23 but less than eighteen years of age shall not operate any
24 vessel propelled by a motor of more than ten horsepower unless
25 the person has successfully completed a department-approved
26 watercraft ~~safety~~ education course and obtained a watercraft
27 ~~safety~~ education certificate or is accompanied in or on the
28 same vessel by a responsible person of at least eighteen years
29 of age who is experienced in motorboat operation. A person
30 required to have a watercraft ~~safety~~ education certificate
31 shall carry and shall exhibit or make available the certificate
32 upon request of an officer of the department. A violation
33 of this subsection is a simple misdemeanor as provided in
34 section 462A.13. However, a person charged with violating
35 this subsection shall not be convicted if the person produces

1 in court, within a reasonable time, a ~~department-approved~~
2 watercraft education certificate. The cost of a ~~department~~
3 watercraft education certificate, or any duplicate, shall not
4 exceed five dollars.

5 Sec. 61. NEW SECTION. **462A.12A Online watercraft education**
6 **courses.**

7 1. The department shall develop requirements and standards
8 for online watercraft education courses. Only vendors who have
9 entered into a memorandum of understanding with the department
10 shall be approved by the department to offer an online
11 watercraft education course that upon successful completion is
12 sufficient to result in the issuance of a watercraft education
13 certificate to the person who completes the course.

14 2. A vendor approved to offer an online watercraft education
15 course as provided in subsection 1 may charge a fee for the
16 course as agreed to in the memorandum of understanding with
17 the department and may also collect the watercraft education
18 certificate fee on behalf of the department as agreed to in the
19 memorandum of understanding.

20 Sec. 62. Section 462A.36, Code 2011, is amended to read as
21 follows:

22 **462A.36 Fee for special certificate — minimum requirements**
23 **for issuance.**

24 1. Any manufacturer or dealer may, upon payment of a fee of
25 fifteen dollars, make application to the commission, upon such
26 forms as the commission prescribes, for a special certificate
27 containing a general distinguishing number and for one or more
28 duplicate special certificates. The applicant shall submit
29 such reasonable proof of the applicant's status as a bona fide
30 manufacturer or dealer as the commission may require.

31 2. The commission may adopt rules consistent with this
32 chapter establishing minimum requirements for a dealer or
33 manufacturer to be issued a special certificate. In adopting
34 such rules the department shall consider the need to protect
35 persons, property, and the environment, and to promote uniform

1 practices relating to the sale and use of vessels. The
2 commission may also adopt rules providing for the suspension or
3 revocation of a dealer's or manufacturer's special certificate
4 issued pursuant to this section.

5 Sec. 63. Section 462A.46, Code 2011, is amended to read as
6 follows:

7 **462A.46 Purchase of registered vessel by dealer.**

8 Whenever a dealer purchases or otherwise acquires a
9 vessel registered in this state, the dealer shall issue a
10 signed receipt to the previous owner, indicating the date of
11 purchase or acquisition, the name and address of such previous
12 owner, and the registration number of the vessel purchased
13 or acquired. ~~The original receipt shall be delivered to the~~
14 ~~previous owner and one copy shall be mailed or delivered by~~
15 ~~the dealer to the county recorder of the county in which the~~
16 ~~vessel is registered, and one copy shall be delivered to the~~
17 ~~commission within forty-eight hours.~~

18 Sec. 64. Section 462A.53, Code 2011, is amended to read as
19 follows:

20 **462A.53 Amount of writing fees.**

21 A writing fee of one dollar and twenty-five cents for
22 each ~~transaction~~ privilege shall be collected by the county
23 recorder. ~~If two or more functions are transacted for the same~~
24 ~~vessel at one time, the writing fee is limited to one dollar~~
25 ~~and twenty-five cents.~~

26 Sec. 65. Section 805.8B, subsection 2, paragraph a, Code
27 2011, is amended to read as follows:

28 a. For registration or user permit violations under section
29 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
30 fifty dollars.

31 Sec. 66. Section 805.8B, subsection 2, paragraph b,
32 subparagraph (3), Code 2011, is amended to read as follows:

33 (3) For operating violations under section 321G.13,
34 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and
35 "i", and subsections 2 and 3, the scheduled fine is one hundred

1 dollars.

2 Sec. 67. Section 805.8B, subsection 2, paragraph g, Code
3 2011, is amended to read as follows:

4 *g.* For violations of section 321G.20 and for safety
5 education certificate violations under section 321G.24,
6 subsection 1, the scheduled fine is fifty dollars.

7 Sec. 68. Section 805.8B, subsection 2A, paragraphs a and g,
8 Code 2011, are amended to read as follows:

9 a. For registration or user permit violations under section
10 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
11 fifty dollars.

12 *g.* For violations of section 321I.21 and for safety
13 education certificate violations under section 321I.26,
14 subsection 1, the scheduled fine is fifty dollars.

15 Sec. 69. REPEAL. Sections 462A.40 and 462A.42, Code 2011,
16 are repealed.

17 EXPLANATION

18 This bill relates to matters concerning the regulation
19 of snowmobiles, all-terrain vehicles, and watercraft by
20 the department of natural resources, and makes penalties
21 applicable.

22 SNOWMOBILE REGULATION. The bill makes numerous revisions
23 to Code chapter 321G, which provides for the regulation of
24 snowmobiles by the department.

25 The bill defines "resident" and "nonresident", for purposes
26 of snowmobile regulation, to mean the same as defined for
27 purposes of hunting and fishing licenses.

28 The bill defines "public water" as any navigable waters
29 within the state and the marginal river areas adjacent to the
30 state, other than farm ponds, under the jurisdiction of the
31 natural resource commission. A similar definition is provided
32 for "public ice", and various sections of Code chapter 321G are
33 amended to specify the defined term.

34 The bill specifies that the natural resource commission may
35 adopt rules for the use of snowmobiles on designated snowmobile

1 trails and for maintenance, signing, and operation of the
2 trails, and existing provisions are amended to indicate that
3 operation on designated trails is subject to regulation by
4 the department. The scope of grant programs and contracts
5 administered by the department is expanded to include
6 the signage of designated snowmobile trails. "Designated
7 snowmobile trail" is defined to mean a snowmobile riding
8 trail on any public land, private land, or public ice that is
9 designated by the department, a political subdivision, or a
10 controlling authority for snowmobile use.

11 Currently, all snowmobiles used on public land or ice in
12 this state must be registered, except for certain snowmobiles
13 owned and used by a governmental entity or snowmobiles used
14 in farming. A nonresident must obtain an annual user permit
15 to operate a snowmobile that is not registered in this state.
16 The bill extends the user permit requirement to apply to
17 residents as well as nonresidents. Under the bill, a resident
18 of this state must obtain a user permit to operate a registered
19 snowmobile on public land, public ice, or designated snowmobile
20 trails. A nonresident's snowmobile must be registered in
21 accordance with the requirements of another state and the
22 operator must obtain a user permit for operation on public
23 land, public ice, or designated snowmobile trails in Iowa.
24 The registration decal of this state or another state and the
25 user permit decal issued by this state must be displayed on a
26 snowmobile operated on public land, public ice, or designated
27 snowmobile trails in Iowa. Pursuant to current law, the fee
28 for a user permit is \$15 plus an administrative fee of \$1.50
29 and a writing fee of \$1 if the permit is issued by a license
30 agent or \$1.25 if the permit is issued by a county treasurer.

31 The bill specifies that the original application for
32 registration of a snowmobile must be filed with the county
33 recorder of the owner's county of residence or if the owner is
34 a nonresident, in the county of primary use. If a transfer
35 of ownership occurs by operation of law, the application must

1 be filed in the transferee's county of residence. Duplicate
2 registrations and registration renewals may be accomplished
3 through a county recorder or a license agent.

4 The bill provides that a snowmobile owned by the United
5 States, this state, or another state, or by a governmental
6 subdivision, is exempt from registration and user permit
7 requirements in this state if the snowmobile is used for
8 enforcement, search and rescue, or official research and
9 studies, but not for recreational or commercial purposes.
10 Current provisions for the issuance of registration
11 certificates and registration decals for snowmobiles owned by
12 the state of Iowa or its political subdivisions are stricken.

13 The bill makes a technical change requiring that every
14 snowmobile be equipped with a headlight and a taillight, rather
15 than a headlamp and a tail lamp.

16 The bill prohibits a person from water skipping a snowmobile
17 on public water, except on rivers and streams during the period
18 between November 1 and April 1. A violation is a simple
19 misdemeanor punishable by a scheduled fine of \$100. "Water
20 skipping" is defined as the operation of a snowmobile on the
21 surface of water using the skis, track, and bottom surface of
22 the snowmobile for flotation while the snowmobile is in motion.

23 The bill makes technical changes to clarify language
24 relating to stop signal violations.

25 The bill increases the fee for a special registration
26 certificate from \$15 to \$45 for snowmobile manufacturers,
27 distributors, and dealers and extends the registration period
28 from one year to three years. Special registration certificate
29 renewals may be issued electronically. The bill provides
30 for the issuance of a special registration decal along with
31 the special registration certificate. The decal is to be
32 displayed on a snowmobile when it is being operated for
33 purposes of transporting, testing, demonstrating, or selling
34 the snowmobile. Duplicate special registration certificates
35 and decals may be issued electronically by a county recorder

1 and are subject to a fee of \$5 plus a writing fee of \$1.25.

2 Pursuant to current law, a safety certificate is required
3 for operation of a snowmobile on regulated land or ice by a
4 person under 18 years of age, and in addition, a person 12
5 to 15 years of age must be under the direct supervision of a
6 parent, guardian, or another adult authorized by the parent or
7 guardian. The bill makes a terminology change by replacing the
8 existing "safety certificate" with an "education certificate"
9 throughout Code chapter 321G. In addition, the bill defines
10 "direct supervision" to mean providing supervision of another
11 person while maintaining visual and verbal contact at all
12 times. Currently, a person under 16 years of age must have
13 a safety certificate to operate a snowmobile on or across a
14 public highway. The bill extends the requirement to persons
15 under 18 years of age.

16 The bill authorizes the department to develop requirements
17 and standards for the provision of online education resulting
18 in the issuance of education certificates. A vendor must
19 enter into a memorandum of understanding with the department
20 to conduct such a course. Pursuant to the memorandum of
21 understanding, a vendor may charge a fee for the online course
22 and collect the education certificate fee on behalf of the
23 department.

24 The bill provides that when a serial number on a snowmobile
25 is destroyed or obliterated and the department assigns a
26 distinguishing number to the snowmobile, the department may
27 issue a special decal, rather than a plate, to be affixed to
28 the snowmobile and bearing the distinguishing number.

29 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous
30 revisions to Code chapter 321I, which provides for the
31 regulation of all-terrain vehicles by the department.

32 The bill amends the definition of "off-road utility vehicle"
33 to include rubber-tracked vehicles. In addition, the bill
34 provides that off-road utility vehicles are subject to dealer
35 registration and titling requirements applicable to other

1 all-terrain vehicles. Currently, registration and titling by
2 dealers is not required. The bill specifies that the operation
3 of off-road utility vehicles is subject to provisions governing
4 the operation of all-terrain vehicles both in statute and in
5 administrative rules.

6 The bill revises the definition of "designated riding trail"
7 to include any public land, private land, or public ice that
8 has been designated by the department, a political subdivision,
9 or a controlling entity for all-terrain vehicle use. Various
10 Code sections are amended to include designated riding trails
11 within the scope of department regulations.

12 The bill defines "public ice" as any frozen, navigable
13 waters within the state and the marginal river areas adjacent
14 to the state, other than farm ponds, under the jurisdiction
15 of the natural resource commission. Various sections of Code
16 chapter 321I are amended to specify the defined term.

17 The bill defines "resident", for purposes of all-terrain
18 vehicle regulation, to mean the same as defined for purposes of
19 hunting and fishing licenses.

20 The bill specifies that the original application for
21 registration of an all-terrain vehicle must be filed with the
22 county recorder of the county of residence or if the owner is
23 a nonresident, in the county of primary use. If a transfer
24 of ownership occurs by operation of law, the application must
25 be filed in the transferee's county of residence. Duplicate
26 registrations and registration renewals may be accomplished
27 through a county recorder or a license agent. An all-terrain
28 vehicle owned by a nonresident and registered in another state
29 must be issued a user permit in this state, which is valid for
30 use on only one all-terrain vehicle.

31 The bill provides that an all-terrain vehicle owned
32 by the United States, this state, or another state, or by
33 a governmental subdivision, is exempt from registration
34 requirements in this state if the all-terrain vehicle
35 is used for enforcement, search and rescue, or official

1 research and studies, but not for recreational or commercial
2 purposes. Current provisions for the issuance of registration
3 certificates and registration decals for all-terrain vehicles
4 owned by the state of Iowa or its political subdivisions are
5 stricken.

6 The bill makes a technical change requiring that every
7 all-terrain vehicle be equipped with a headlight and a
8 taillight, rather than a headlamp and a tail lamp.

9 The bill provides for the inclusion of motorcycles and
10 off-road utility vehicles in special events. Also, the
11 requirement that the department furnish a copy of the rules for
12 a special event to an applicant for the event is stricken.

13 The bill makes technical changes to clarify language
14 relating to a person who violates a stop signal from a peace
15 officer.

16 The bill increases the fee for a special registration
17 certificate from \$15 to \$45 for all-terrain vehicle
18 manufacturers, distributors, and dealers and extends the
19 registration period from one year to three years. Special
20 registration certificate renewals may be issued electronically.
21 The bill provides for the issuance of a special registration
22 decal along with the special registration certificate.
23 The decal is to be displayed on an all-terrain vehicle
24 when it is being operated for purposes of transporting,
25 testing, demonstrating, or selling the vehicle. Duplicate
26 special registration certificates and decals may be issued
27 electronically by a county recorder and are subject to a fee of
28 \$5 plus a writing fee of \$1.25.

29 Pursuant to current law, a safety certificate is required
30 for operation of an all-terrain vehicle on public land or ice
31 by a person between 12 and 18 years of age. The bill replaces
32 the "safety certificate" with an "education certificate"
33 throughout Code chapter 321I. The bill authorizes the
34 department to develop requirements and standards for the
35 provision of online education resulting in the issuance of

1 education certificates. A vendor must enter into a memorandum
2 of understanding with the department to conduct such a course.
3 Pursuant to the memorandum of understanding, a vendor may
4 charge a fee for the online course and collect the education
5 certificate fee on behalf of the department.

6 The bill provides that when a serial number on an all-terrain
7 vehicle is destroyed or obliterated and the department assigns
8 a distinguishing number to the all-terrain vehicle, the
9 department may issue a special decal, rather than a plate,
10 to be affixed to the all-terrain vehicle and bearing the
11 distinguishing number.

12 Code section 461C.2(5) is amended to include all-terrain
13 vehicle riding among the public recreational purposes to be
14 encouraged on private land in the state.

15 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section
16 462A.2 is amended to include a definition of "watercraft
17 education certificate" that is issued to a qualified applicant
18 12 years of age or older. Code section 462A.12(6) is amended
19 to change the nomenclature for the requirements that must be
20 met by a person between 12 and 18 years of age to operate
21 certain watercraft without an adult in the watercraft. Such a
22 person is required to complete a department-approved watercraft
23 education, instead of safety, course and obtain a watercraft
24 education, instead of safety, certificate.

25 New Code section 462A.12A requires the department to
26 develop requirements and standards for vendors to offer online
27 watercraft education courses. Approved vendors may charge
28 a fee for the course and may also collect the watercraft
29 education certificate fee on behalf of the department as
30 provided in a memorandum of understanding with the department.

31 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND
32 MANUFACTURERS. Code section 462A.36 is amended to allow the
33 natural resource commission to adopt rules establishing minimum
34 requirements for special certificates to be issued, suspended,
35 or revoked for vessel dealers or manufacturers. In adopting

1 the rules, the commission shall consider the need to protect
2 persons, property, and the environment, and promote uniform
3 practices relating to the sale and use of vessels.

4 Code section 462A.40, requiring manufacturers or dealers
5 to keep written records of the vessels upon which special
6 certificates are used, and Code section 462A.42, requiring
7 dealers to furnish a list to the commission each year of all
8 used vessels held by them and for which registration has not
9 been paid, are repealed.

10 Code section 462A.46 is amended to delete a requirement that
11 when a dealer purchases or acquires a registered vessel, the
12 dealer must mail or deliver a copy of the original receipt
13 issued to the county recorder of the county where the vessel
14 is registered and to the natural resource commission within 48
15 hours.

16 Code section 462A.53 is amended to delete a limitation on
17 the writing fee collected by a county treasurer for two or more
18 functions transacted for the same vessel at one time. The bill
19 provides that the county treasurer shall collect a writing fee
20 of \$1.25 for each privilege relating to watercraft.